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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,544	08/05/2003	Robert F. Burkholder	PTG 02-82-2	6044
23531	7590	12/16/2004	EXAMINER	
SUITER WEST PC LLO 14301 FNB PARKWAY SUITE 220 OMAHA, NE 68154			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/634,544

Applicant(s)

BURKHOLDER ET AL.

Examiner

Shay L Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-9, 11, 13-19, 21-22, 26-27 and 29-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (USPN 4825496).

Taylor teaches a cleaner comprising a rotating hand held cleaning head assembly (59, 66, 83) for engaging a surface and directing water onto the surface. The cleaning head comprises a handle (57) coupled with the head. The cleaning head is a right angle cleaning head. There is an electric motor drive assembly (37) coupled with the hand held cleaning head to provide a driving force to the head. A flexible drive cable transmission assembly (61) couples the hand held cleaning head assembly and the drive assembly. There is a water attachment hose assembly (65) coupled with the hand held cleaning head to provide water to the head. The water is provided from a water source such as a storage container (32). The motor provides the water from the water source to the cleaning head. The motor is coupled to a transport assembly such as a dolly transport assembly (11, 12). The wheeled transport assembly comprises a hollowed area (22) that could be used for necessary storage.

Art Unit: 1744

Claims 1-4, 6-9, 11, 14-19, 21-22, 24, 26-27 and 30-35 are rejected under 35

U.S.C. 102(b) as being anticipated by James, Jr. (USPN 3138815).

James teaches a cleaner comprising a rotating hand held cleaning head assembly (10) for engaging a surface and directing water onto the surface. The cleaning head comprises a handle (14) coupled with the head. The cleaning head is a right angle cleaning head with a splash guard (12). There is an electric motor drive assembly (34) coupled with the hand held cleaning head to provide a driving force to the head. A flexible drive cable transmission assembly (24) couples the hand held cleaning head assembly and the drive assembly. There is a water attachment hose assembly (50) coupled with the hand held cleaning head to provide water to the head. The water is provided from a water source such as a storage container (48). The motor provides the water from the water source to the cleaning head. The motor is coupled to a transport assembly such as a dolly transport assembly (36). The wheeled transport assembly comprises a hollowed area that could be used for necessary storage of the water source or the motor.

Claims 1-3, 7-9, 11, 14-15, 17-18, 22, 24, 26-27 and 30-35 are rejected under 35

U.S.C. 102(b) as being anticipated by Cutler (USPN 4825496).

Cutler teaches a cleaner comprising a hand held cleaning head assembly (48) for engaging a surface and directing water onto the surface. The cleaning head comprises a handle coupled with the head. The cleaning head is a right angle cleaning head. There is an electric motor drive assembly coupled with the hand held cleaning head to provide a driving force to the head. A flexible drive cable transmission assembly (72) couples the hand held cleaning head assembly and the drive assembly. There is a water attachment hose assembly (62, 64) coupled with the hand held cleaning head to provide water to the head. The water is provided from a

Art Unit: 1744

water source such as a storage container (34). The motor provides the water from the water source to the cleaning head. The cleaner assembly is coupled to a transport assembly such as a dolly transport assembly (12). The wheeled transport assembly comprises a hollowed area (30) that could be used for necessary storage.

Claims 1-5, 7-8, 11, 14-15, 17, 31-33 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Dickerson (USPN 6523209).

Dickerson teaches a cleaner comprising an orbital rotating hand held cleaning head assembly (37) for engaging a surface and directing water onto the surface. The cleaning head comprises a handle coupled with the head. The cleaning head is a right angle cleaning head. There is an electric motor drive assembly (26) coupled with the hand held cleaning head to provide a driving force to the head. There is a water attachment hose assembly (17) coupled with the hand held cleaning head to provide water to the head. The water is provided from a water source such as a storage container (11). The motor provides the water from the water source to the cleaning head. The cleaner assembly is coupled to a transport assembly such as a dolly transport assembly (13). The wheeled transport assembly comprises a hollowed area that could be used for necessary storage for the water.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of James or Cutler in view of James or Dickerson in view of James.

Taylor, Cutler or Dickerson teach all the essential elements of the claimed invention however the references fail to teach a splash guard. James teaches a rotating brush head that comprises a splash guard. It would have been obvious to one ordinary skill in the art at the time the invention was made to include a splash guard on all the brush heads so as to avoid splashing of water or cleaning solution when in use and to avoid water or cleaning solution in the users face or on their clothes or other places that the water or cleaning solution was not intended to touch.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Walker et al. (USPN 5156191) or Cutler in view of Walker et al. (USPN 5156191) or James in view Walker et al. (USPN 5156191) or Dickerson in view of Walker et al. (USPN 5156191).

Taylor, Cutler, James or Dickerson teach all the essential elements of the claimed invention however the references fail to teach that the flex drive cable includes a strain reliever assembly. Walker teaches a hose assembly comprises a strain reliever assembly. It would have been obvious to use a strain reliever assembly as taught by Walker on Taylor, Cutler, James or Dickerson's drive cable so that bending of the cable is minimized.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerson in view of Walker et al. (USPN 5156191) or Cutler in view of Walker et al. (USPN 5156191) or James in view Walker et al. (USPN 5156191).

Taylor, Cutler or James teach all the essential elements of the claimed invention however the references fail to teach that the flex drive cable includes a strain reliever assembly. Walker

Art Unit: 1744

teaches a hose assembly comprises a strain reliever assembly. It would have been obvious to use a strain reliever assembly as taught by Walker on Taylor, Cutler or James' drive cable so that bending of the cable is minimized.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor or Cutler or James or Dickerson.

Taylor, Cutler, James or Dickerson teach all the essential elements of the claimed invention however the references fail to teach that the water source comprises a plurality of water storage containers. The references all teach one water storage container. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of water storage containers so that the containers don't have to be refilled as often. Additionally, duplicating a part for a multiple effect is an examiner of a modification that has been considered to be within the level of ordinary skill in the art to follow. *124 USPQ 378, 380 (CCPA 1960)*.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor or Cutler or James.

Taylor, Cutler or James teach all the essential elements of the claimed invention however the references fail to teach that the water source comprises a plurality of water storage containers. The references all teach one water storage container. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of water storage containers so that the containers don't have to be refilled as often. Additionally, duplicating a part for a multiple effect is an examiner of a modification that has been considered to be within the level of ordinary skill in the art to follow. *124 USPQ 378, 380 (CCPA 1960)*.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Cramer (USPN 689464) or James in view of Cramer (USPN 689464).

Taylor or James teach all the essential elements of the claimed invention however fail to teach that the rotating cleaning head is an orbital rotating cleaning head. Cramer teaches a brush comprising an orbital rotating cleaning head. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the cleaning head of Taylor or James with the orbital cleaning head of Cramer so as to increase the versatility of the cleaning apparatus.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor or Cutler or James.

Taylor, Cutler or James teach all the essential elements of the claimed invention however the references fail to teach that the electric motor is either a generator assembly or a pneumatic motor assembly. A generator or pneumatic motor are equivalent structure known in the art. Therefore, because these two types of electric motors were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute the motors of Taylor, Cutler or James for a generator assembly or a pneumatic motor assembly.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.




Art Unit: 1744

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb  
12/2/04

  
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